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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 DEC 26 AM 11:31

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan Jose MENDOZA-Porras,

Defendant

Magistrate Docket No.

07 MJ 2972 COURT SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF: PDU

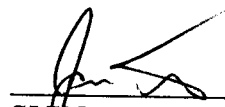
DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **December 22, 2007** within the Southern District of California, defendant, **Juan Jose MENDOZA-Porras**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.


And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



 SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 26th DAY OF DECEMBER, 2007.



 Leo S. Papas

UNITED STATES MAGISTRATE JUDGE

Juan Jose MENDOZA-Porras

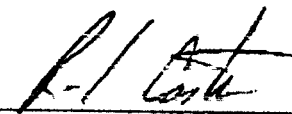
PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On December 22, 2007, at approximately 4:45 P.M, Border Patrol Agent J. Nesbit was assigned to the All Terrain Vehicle Unit assigned to an area known as "Airport Mesa" in the Imperial Beach Area of Responsibility. This area is approximately two and a half miles east of the San Ysidro, California Port of Entry and fifty yards north of the U.S./Mexico International Boundary Fence. Upon notification from the Remote Video Surveillance Unit via service radio and corresponding sensor activations indicating illegal alien activity, Agent Nesbit responded to the Airport Mesa area. Agent Nesbit observed five individuals attempting to run north from his position at Airport Mesa in an attempt to evade detection and apprehension. Agent Nesbit identified himself as a border patrol agent and attempted to stop the suspected illegal aliens. All of Agent Nesbit's commands were ignored and after a brief chase all the individuals were stopped and detained. After initial questioning in the field it was discovered all the individuals, including one later identified as defendant Juan Jose MENDOZA-Porras, admitted to being citizens and nationals of Mexico present in the United States without any immigration documents that would allow them to enter or remain legally. The defendant and the other four individuals were arrested and transported to the Imperial Beach Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on July 20, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on December 24, 2007 at 9:30a.m.



Raul Castorena
Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on December 22, 2007, in violation of Title 8, United States Code, Section 1326.



Leo S. Papas
United States Magistrate Judge

12/24/07 - 9:45 Am

Date/Time